

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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P. J. Stevens,

Plaintiff,

vs.

ORDER ADOPTING REPORT
AND RECOMMENDATION

Kanabec County Times,

Defendant.

Civ. No. 08-518 (JMR/RLE)

* * * * *

Based upon the Report and Recommendation of the United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. That the Plaintiff's Complaint is summarily dismissed, without prejudice, for lack of subject matter jurisdiction, pursuant to Rule 12(h)(3), Federal Rules of Civil Procedure.
2. That the Plaintiff's "Application to Proceed Without Prepayment of Fees" [Docket No. 2] is denied as moot.

Dated: April 24, 2008

s/James M. Rosenbaum

James M. Rosenbaum, Chief Judge
United States District Court